

GAU2731

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PTO/SB/21 (12-97)  
Approved for use through 9/30/00. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/106,519	
	Filing Date	June 29, 1998	
	First Named Inventor	Keith McCloghrie et al.	
	Group Art Unit	2731	
	Examiner Name	Not Assigned	
Total Number of Pages in This Submission	113	Attorney Docket Number	CIS-044

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Group 2700

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	PTO Form 1449
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Steven A. Swernofsky Reg. No. 33,040
Signature	
Date	6-11-99

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>June 15, 1999</u>	
Typed or printed name	Arlette Malhas
Signature	
Date	June 15, 1999

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CIS-044

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re Application of:

Keith McCloghrie et al

Serial No. 09/106,519

Filed: June 29, 1998

For: Sampling Packets For Network  
Monitoring

Art Unit: 2731

Examiner: Unassigned

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Group 2700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Honorable Commissioner of  
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Washington, D.C. 20231

on June 15, 1999 Arlette Malhas  
Date Arlette Malhas

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

It is requested that the document(s) on the enclosed form be made of record.

**Part I (Authority)**

This statement is filed pursuant to:

(X) 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

( ) 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$240), or a certification according to 37 C.F.R. § 1.97(e).

( ) 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

### **Conditional Petition**

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

### **Part II (Payment)**

Please charge any additional required fee or credit any overpayment to our Deposit Account No. 500365. An additional copy of this information disclosure statement is enclosed.

A check is enclosed as indicated:

(X) No fee is due.

( ) The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$240).

( ) The petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130).

### **Part III (Certification)**

Pursuant to 37 C.F.R. § 1.97(e), I certify:

(X) No certification is necessary.

- ( ) (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
- ( ) The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
- ( ) The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- ( ) (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

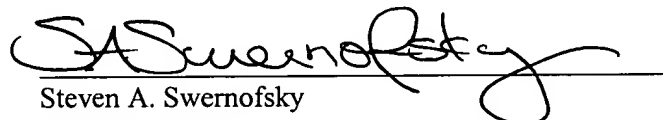
#### Part IV (Additional Statement)

An additional statement regarding these items of information ( ) is, (X) is not, enclosed.

Copies of the cited art (X) are enclosed, ( ) are of record in parent application Serial No. \_\_\_\_\_ and will be provided if the Examiner deems it convenient.

Respectfully submitted,

Dated: 6-11-99

  
Steven A. Swernofsky  
Reg. No. 33,040

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Mountain View, CA 94039-0013  
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**Art Cited**

United States Patent Numbers:

5,841,874

5,740,097

5,034,919

4,965,767

5,602,770

Foreign Patent Documents: